

out of funds in his hands belonging to the State of North Carolina in the treasury thereof, contrary to the provisions of the aforesaid supplemental act of the said General Assembly, ratified as aforesaid on the 8th day of March, A. D. 1899, which aforesaid mandamus writs were unlawful and contrary to the aforesaid provisions of the Constitution of the State of North Carolina and the acts of the General Assembly of North Carolina, and in disregard and contempt thereof, and were issued as aforesaid with the intent thereby to compel, by process in the nature of an execution, the payment of the said sum of eight hundred and thirty-one and 15-100 dollars out of the State Treasury, in violation of the aforesaid provisions of the Constitution and the Public Laws of the State of North Carolina.

Whereby the said David M. Furches, Associate Justice (now Chief Justice); and the said Robert M. Douglas, Associate Justice of the Supreme Court of North Carolina, did then and there commit, and were guilty of, a high crime and misdemeanor in office.

Article III. That the aforesaid controversy without action, entitled as aforesaid, Theophilus White against Hal W. Ayer, State Auditor, and W. H. Worth, State Treasurer, was decided by the said Supreme Court of North Carolina, on or about May 22, 1900, at the February Term of the said Court, and prior to the 14th day of June, 1900, said Supreme Court had adjourned for the term without directing any mandamus writs to issue in said cause: and that on the 14th day of June, 1900, the General Assembly, being in adjourned session, passed the following resolution, to-wit:

*"Resolved by the House of Representatives, the Senate concurring, That a committee of two members of this House be appointed by the Speaker, who shall wait upon the State Treasurer, and ascertain from him if he has paid out any money to Theophilus White, and if so, by what authority he made such payment."*